GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home (Paroles & HRC) Department – Framing of policy for payment of compensation on account of unnatural death of prisoners in the Jails of Andhra Pradesh State as directed by the Hon'ble National Human Rights Commission (NHRC), New Delhi – Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 124 Dated: 04-10-2024

Read the following:-

1. D.O.No.L-19/12/2022-Law, Dated.02-05-2022 of the Joint Secretary (P&T), NHRC, New Delhi along with its enclosures.
2. Govt. Memo No.5922457/Paroles & HRC/A2/2022, Dated.03.06.2022.
3. From the Director General of Prisons & CS, A.P., Mangalagiri Letter No. Jud-3/179/2022,dated:16.09.2022, 02.02.2023 & 08-12-2023.

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ORDER:

In the reference 1st read above, the Hon'ble National Human Rights Commission, New Delhi has informed that the Government of Haryana has framed a policy for payment of compensation on account of death of prisoners vide notification No.36/89/2019-IJJ-II, dated 29-06-2021. The Full Commission (NHRC) in its meeting held on 09-02-2022 deliberated upon the issue and observed that considering prevailing value of money, the compensation prescribed by State of Haryana appears to be appropriate, to be awarded in such cases by the State Government besides other similar liabilities which may be enforced in accordance with the law. The Full Commission has also requested various State Governments/UTs to bring such a policy as framed by the State of Haryana by fixing same amount of compensation or any other amount to be fixed by the State.

2. In the reference 3rd read above, the Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri has submitted proposals wherein he has requested to kindly arrange to frame a policy for payment of compensation on account of unnatural death of prisoners in the Jails of Andhra Pradesh State as directed by the Hon'ble National Human Rights Commission(NHRC), New Delhi.

3. Government after careful examination of the matter hereby formulate this policy of payment of compensation on account of unnatural death of prisoners in the Jails of Andhra Pradesh State as follows:

I. Compensation will not be admissible in cases of natural deaths including death due to illness.
II. Compensation will not be admissible in the following cases of unnatural deaths:
    (a). If the death occurs during escape from jails or during escape from lawful custody outside the Jails.
    (b). If the death occurs due to any natural disaster/calamity; in such cases, compensation may be paid as per the guidelines in vogue with the Revenue and Disaster Management Department.

III. Compensation will be paid to the next of kin or legal heir (s) of deceased prisoners on accounts of unnatural deaths, in the following cases:

Reason of death	Compensation proposed to be Awarded to the NOK or legal heirs of the deceased
• Due to quarrel among prisoners • Due to torture/beating by prison staff	**Rs.5.00 Lakhs**
• Due to negligence in duty by prison Officers/officials • Due to negligence by Medical Officers/ Para Medical • Due to suicide committed by prisoners	**Rs.3.50 Lakhs**

IV. This policy shall be applicable only in respect of those prisoner(s) who suffer unnatural death in the jails of Andhra Pradesh, on or after the date of notification of this policy.

V. The Superintendent of concerned Jail shall send compensation proposals when the cases of deceased prisoner falls eligible as per the conditions in para-3(III) of this G.O., along with detailed report, copy of the Magisterial enquiry report, post-mortem report, final cause of death, medical history at the time of admission in jail and details of medical treatment, if any, given to the prisoner, prior to his custodial death, to the Director General of Prisons & Correctional Services, Andhra Pradesh for onward submission to the State Government for grant of appropriate compensation, as per the provisions stated above.

VI. The Principal Secretary, Home (Paroles & HRC) Department, Government of Andhra Pradesh shall be authorized to sanction the above said compensation.

VII. The Director General of Prisons & Correctional Services, Andhra Pradesh after obtaining the sanction orders from the Government, shall send the compensation amount through DD / Cheque to the concerned Collector & District Magistrate, so as to enable him/her to disburse the same to the next of the kin of the deceased prisoner.

VIII. The Revenue Authorities are empowered to identify and to disburse the compensation amount to the Legal Heirs of the deceased prisoner. After disbursing the compensation amount to the legal heirs, concerned Collector & District Magistrate shall furnish the Proof of Payment of compensation viz. Legal Heir Certificate (Family Members Certificate), Acquittance Roll, Bank Statement of the individual, Photographs taken while disbursing the compensation amount to the Director General of Prisons & Correctional Services, Andhra Pradesh.

IX. The Director General of Prisons & Correctional Services, Andhra Pradesh shall submit the proof of payment to the Government and to the Hon'ble National Human Rights Commission, New Delhi.

4. The Director General of Prisons & Correctional Services, Andhra Pradesh, Mangalagiri, shall take further necessary action, accordingly.

5. This Order is issued with the concurrence of the Finance (FMU-H&C) Department vide their FIN01-FM U0ASD(HCL)/9/2024-FMU-HC, Computer No. 2323061, dt.22.08.2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons & Correctional Services, AP, Mangalagiri.
The District Collectors of all Districts.
The All Jail Superintendents of Prisons Department through Director General of Prisons & Correctional Services, Andhra Pradesh, Mangalagiri.

Copy To:
The Finance (FMU-Home & Courts) Department, AP Secratariat.
The Finance (Budget-I) Department, AP Secratariat.
The Joint Secretary (P&T), Hon’ble National Human Rights Commission, New Delhi for favour of information.(
The Deputy Registrar (Law), Hon’ble National Human Rights Commission, New Delhi for favour of information.
The Consultant (Law), Hon’ble National Human Rights Commission, New Delhi for favour of information.
The OSD to Hon’ble Minister for Home Dept., Govt. of AP, Velagapudi, Amaravati.
The OSD to Chief Secretary to Government, Govt. of AP, Velagapudi, Amaravati
The PS to Principal Secretary to Government, Genl. Admn. (SC.I) Department, Govt. of AP, Velagapudi, Amaravati.
The PS to Principal Secretary to Government, Home Department, Govt. of AP, Velagapudi, Amaravati.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER